

IN THE JUSTICE COURT, COUNTY OF GALLATIN
IN AND FOR THE STATE OF MONTANA

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THE STATE OF MONTANA

GALLATIN COUNTY
JUSTICE COURT

Plaintiff
v.

No.

AFFIDAVIT OF PROBABLE CAUSE

MARY ANN MCCULLEY

Defendant

STATE OF MONTANA)
 :SS
County of Gallatin)

COMES NOW Detective Sergeant Benz, and being first duly sworn upon oath, deposes and says:

1. Your affiant is an officer with the Bozeman Police Department, Gallatin County, Montana.
2. On April 25, 2012, your affiant arrested the above-named Defendant and charged the Defendant with the crime(s) of:

Assault with a Weapon

§45-5-213 M.C.A.

3. The crime(s) occurred on April 25, 2012.
4. The place of the crime was 3825 Valley Commons Drive, Bozeman, Montana.
5. The facts relied upon to make the arrest and charge(s) are as follows:

On April 25, 2012 at 1207 hours, officers were dispatched to 3825 Valley Commons Dr. for a report of an assault in progress. The caller told dispatch Mary McCulley, herein referred to as the defendant, had pulled a gun on an attorney. The caller also stated McCulley left in a white Kia with New Mexico license plates travelling eastbound on Main St.

Officer Gappmayer located the vehicle travelling eastbound on Main St. and stopped it in the 2800 block of W. College St. The defendant told Officer Gappmayer she was on the phone with the FBI and driving to the Law & Justice Center. The defendant also told Officer Gappmayer she had not pointed the pistol at anyone, just down at the ground. Officer Gappmayer observed an empty black pistol holster on the console of the vehicle. The defendant was taken into custody and transported to the Law & Justice Center.

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Detectives McNeil, Toresdahl and I responded to 3825 Valley Commons Dr. where we met with Sgt. LaCross and Officer Ash. Officer Ash had possession of a loaded Ruger LCR 22-cal. revolver, which had been given to her by B.P. This handgun was equipped with a laser sight. Through interviews with B.P., B.S. and C.D., we learned the defendant was involved in a mediation process taking place in two separate buildings. B.P., B.S. and C.D. were seated in a conference room at 3825 Valley Commons Dr. while the defendant was meeting with her attorneys in a separate building across the parking lot.

Det. McNeil interviewed B.P. who stated that he heard the Defendant approach their conference room, enter, and put down two pieces of paper on the table. B.P. then observed the Defendant reach into her pocket and pull out a handgun. B.P. stated he was fearful for his life, and began to cry as he relayed these series of events to Det. McNeil. B.P. stated he grabbed the Defendant's wrist and forced her into the hallway where he and B.S. wrestled with the Defendant and took the gun away. B.P. indicated he was still fearful that the Defendant might have another weapon, but ultimately released her. The Defendant then fled the scene.

Det. McNeil also interviewed C.D. who relayed a nearly identical series of events. C.D. stated that when the Defendant initially produced the handgun she thought it was a taser device because of a laser sight on the weapon. C.D. stated that she believed that the Defendant was pointing the weapon at B.P. because the Defendant turned away from C.D. and towards B.P. when the gun was produced. C.D. told Det. McNeil she had gone outside to call 911 and observed the defendant get into a white Kia with New Mexico license plates.

B.S. told Det. Toresdahl the defendant entered the conference room, slammed two documents on the table and said, "This is my final offer that you are going to sign." B.S. said the defendant then backed into the doorway and reached into her pocket. B.S. said he did not initially see the pistol but saw B.P. move towards the defendant and begin struggling with her. B.S. stood up and saw B.P. and B.S. struggling over the pistol which was pointed upward, so he moved behind the defendant and grabbed her hands in an attempt to restrain her. B.S. said while he attempted to restrain the defendant, she bit him on the left hand and right arm, causing minor lacerations.

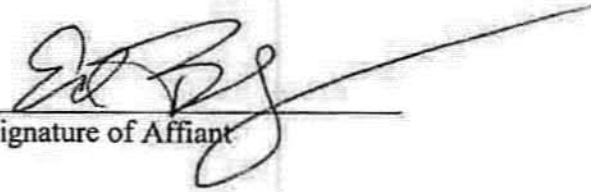
B.S. said all three of them moved out of the conference room into a corner in the hallway, where B.P. was able to get the handgun away from the defendant. B.S. said he was in fear for the safety of everyone in the room and that the defendant's bite was painful but strengthened his resolve. B.S. said once B.P. was able to get the revolver away from the defendant, he and B.S. pushed her out of the door on the west side of the building.

Once at the Law & Justice Center, Det. Ferguson advised the defendant of her rights per *Miranda* and the defendant requested to speak to an attorney. While being walked to the Gallatin County Detention Center, the defendant stated that they she never pointed the gun at anyone and that it was loaded with birdshot and would not hurt anyone. The defendant was held on no bond.

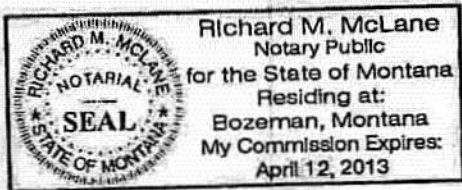
Dated this 25th day of March, 2012.

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Signature of Affiant

SUBSCRIBED AND SWORN THIS 25 DAY OF April, 2012.



(Printed Name of Notary Public)


NOTARY PUBLIC FOR MONTANA

Residing at _____, MT.
My Commission expires _____

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ORDER

Upon reading the foregoing Affidavit:

_____ IT IS HEREBY ORDERED THAT probable cause **is found** to charge the above-named defendant with the following charge(s):

_____ IT IS HEREBY ORDERED THAT probable cause **is not found** to charge the above-named defendant with the following charge(s):

DATED this ____ day of _____, 20__ at _____ a.m./p.m.

JUSTICE OF THE PEACE